



Senate

General Assembly

File No. 543

January Session, 2015

Substitute Senate Bill No. 366

Senate, April 8, 2015

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING NOTICE OF PESTICIDE APPLICATIONS AT PUBLIC SCHOOLS AND AUTHORIZING THE USE OF CERTAIN MICROBIALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (c) to (e), inclusive, of section 10-231c of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2015*):

4 (c) (1) On and after July 1, 2000, parents or guardians of children in
5 any school and school staff may register for prior notice of pesticide
6 application at their school. Each school shall maintain a registry of
7 persons requesting such notice. Prior to providing for any application
8 of pesticide within any building or on the grounds of any school, the
9 local or regional board of education shall provide for the mailing of
10 notice to parents and guardians who have registered for prior notice
11 under this section such that the notice is received no later than twenty-
12 four hours prior to such application. Notice shall be given by any
13 means practicable to school staff who have registered for such notice.

14 Notice under this subsection shall include [(1)] (A) the name of the
15 active ingredient of the pesticide being applied, [(2)] (B) the target pest,
16 [(3)] (C) the location of the application on the school property, [(4)] (D)
17 the date of the application, and [(5)] (E) the name of the school
18 administrator, or a designee, who may be contacted for further
19 information.

20 (2) On and after October 1, 2015, prior to providing for any
21 application of pesticide within any building or on the grounds of any
22 school, in addition to the requirements of subdivision (1) of this
23 subsection, the local or regional board of education shall provide for
24 notice of such application not less than seventy-two hours prior to
25 such application by posting the notice required by subdivision (1) of
26 this subsection on: (A) The Internet web site for the school where such
27 application will occur, (B) the Internet web site for such local or
28 regional board of education, (C) the front entrance of such school
29 where such application will occur, and (D) any bulletin board located
30 within one hundred feet of the front entrance of such school where
31 such application will occur. Any such notice posted pursuant to
32 subparagraph (C) or (D) of this subdivision shall be on a sign not less
33 than eight and one-half inches by eleven inches in size and printed in
34 all upper case lettering of not less than twelve-point boldface type of
35 uniform font.

36 (d) On and after July 1, 2000, no application of pesticide may be
37 made in any building or on the grounds of any school during regular
38 school hours or during planned activities at any school except that an
39 emergency application may be made to eliminate an immediate threat
40 to human health if (1) it is necessary to make the application during
41 such a period, and (2) such emergency application does not involve a
42 restricted use pesticide, as defined in section 22a-47. No child may
43 enter an area where such application has been made until it is safe to
44 do so according to the provisions on the pesticide label.

45 (e) On and after July 1, 2000, a local or regional board of education
46 may make an emergency application of pesticide without prior notice

47 under this section in the event of an immediate threat to human health
48 provided the board provides for notice, by any means practicable, on
49 or before the day that the application is to take place to any person
50 who has requested prior notice under this section and concomitantly
51 posts such notice on the Internet web sites and the locations and in the
52 form described in subdivision (2) of subsection (c) of this section.

53 Sec. 2. Subsections (c) and (d) of section 10-231d of the general
54 statutes are repealed and the following is substituted in lieu thereof
55 (*Effective October 1, 2015*):

56 (c) On and after July 1, 2000, parents or guardians of children in any
57 school and school staff may register for notice of pesticide application
58 at their school. Each school shall maintain a registry of persons
59 requesting such notice. Notice under this subsection shall include (1)
60 the name of the active ingredient of the pesticide being applied, (2) the
61 target pest, (3) the location of the application on the school property,
62 [(3)] (4) the date of the application, and [(4)] (5) the name of the school
63 administrator, or a designee, who may be contacted for further
64 information.

65 (d) (1) On and after July 1, 2000, a local or regional board of
66 education shall provide notice, by any means practicable, to any
67 person who has requested notice under this section on or before the
68 day that any application of pesticide is to take place at a school. No
69 application of pesticide may be made in any building or on the
70 grounds of any school during regular school hours or during planned
71 activities at any school except that an emergency application may be
72 made to eliminate an immediate threat to human health if (1) it is
73 necessary to make the application during such a period and (2) such
74 emergency application does not involve a restricted use pesticide, as
75 defined in section 22a-47. No child may enter an area of such
76 application until it is safe to do so according to the provisions on the
77 pesticide label.

78 (2) On and after October 1, 2015, prior to providing for any
79 application of pesticide within any building or on the grounds of any

80 school, in addition to the requirements of subdivision (1) of this
81 subsection, the local or regional board of education shall provide for
82 notice of such application not less than seventy-two hours prior to
83 such application by posting the notice required by subsection (c) of this
84 section on: (A) The Internet web site for the school where such
85 application will occur, (B) the Internet web site for such local or
86 regional board of education, (C) the front entrance of such school
87 where such application will occur, and (D) any bulletin board located
88 within one hundred feet of the front entrance of such school where
89 such application will occur. Any such notice posted pursuant to
90 subparagraph (C) or (D) of this subdivision shall be on a sign not less
91 than eight and one-half inches by eleven inches in size and printed in
92 all upper case lettering of not less than twelve-point boldface type of
93 uniform font.

94 Sec. 3. Section 10-231a of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective from passage*):

96 As used in sections 10-231b to 10-231d, inclusive, as amended by
97 this act, [and section 19a-79a,] (1) "pesticide" means a fungicide used
98 on plants, an insecticide, a herbicide or a rodenticide, but does not
99 mean a sanitizer, disinfectant, antimicrobial agent or pesticide bait in a
100 tamper-resistant container, (2) "lawn care pesticide" means a pesticide
101 registered by the United States Environmental Protection Agency and
102 labeled pursuant to the federal Insecticide, Fungicide and Rodenticide
103 Act for use in lawn, garden and ornamental sites or areas. "Lawn care
104 pesticide" does not include any: (A) Microbial pesticide or biochemical
105 pesticide that is registered with the United States Environmental
106 Protection Agency, (B) horticultural soap or oil that is registered with
107 the United States Environmental Protection Agency and that does not
108 contain any synthetic pesticide or synergist, or (C) a pesticide classified
109 by the United States Environmental Protection Agency as an exempt
110 material under 40 CFR 152.25, as amended from time to time, [and] (3)
111 "integrated pest management" means use of all available pest control
112 techniques, including judicious use of pesticides, when warranted, to
113 maintain a pest population at or below an acceptable level, while

114 decreasing the use of pesticides, (4) "microbial pesticide" means a
115 pesticide that consists of a microorganism as the active ingredient, and
116 (5) "biochemical pesticide" means a naturally occurring substance that
117 controls pests by nontoxic mechanisms.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2015</i>	10-231c(c) to (e)
Sec. 2	<i>October 1, 2015</i>	10-231d(c) and (d)
Sec. 3	<i>from passage</i>	10-231a

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which (1) exempts certain products from the ban on nonemergency application of lawn care pesticide on the grounds of public or private preschools or schools with students in grade eight or lower, (2) establishes additional notice requirements for schools that apply pesticide, including lawn care pesticide, on their premises, and (3) makes minor and technical changes, does not result in a fiscal impact as the changes are procedural or technical in nature.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 366*****AN ACT CONCERNING NOTICE OF PESTICIDE APPLICATIONS AT PUBLIC SCHOOLS AND AUTHORIZING THE USE OF CERTAIN MICROBIALS.*****SUMMARY:**

This bill exempts certain products from the ban on nonemergency application of lawn care pesticide on the grounds of public or private preschools or schools with students in grade eight or lower.

It establishes additional notice requirements for schools that apply pesticide, including lawn care pesticide, on their premises. It generally requires posting information about an application at least 72 hours in advance on the (1) school and regional board of education websites and (2) school's front entrance and all bulletin boards within 100 feet of it. The front entrance and bulletin board notices must be on signs of at least 8.5 by 11 inches, using a uniform font of 12-point bold type and all upper case letters.

The bill also requires these postings to be made, on or by the application day, by schools without integrated pest management plans (IPMs) when there is an emergency application to address a human health threat (see BACKGROUND).

Existing law, unchanged by the bill, requires certain pesticide application information to be provided to parents and guardians who register to receive the information, though there are stricter notice requirements for schools without IPM plans.

The bill also specifies that to be exempt from the law's school pesticide application requirements, sanitizers, disinfectants, antimicrobial agents, and pesticide baits must be in tamper-resistant containers. Under current law a "pesticide" is a fungicide used on

plants, insecticide, herbicide, or rodenticide, but not a sanitizer, disinfectant, antimicrobial agent, or bait.

Lastly, the bill makes minor and technical changes, including (1) adding the target pest to the information schools using IPM must provide when notifying parents about pesticide applications, making it consistent with the information schools without IPM must provide and (2) removing an unnecessary reference to day care center statutes.

EFFECTIVE DATE: October 1, 2015, except the lawn care pesticide exemption takes effect upon passage.

LAWN CARE PESTICIDE APPLICATION

Current law prohibits the use of lawn care pesticide on the grounds of preschools and schools with students in grade eight or lower, absent a human health emergency. A “lawn care pesticide” is a pesticide (1) registered by EPA and (2) labeled according to federal law for use in lawns, gardens, and ornamental sites or areas.

The bill exempts the following products from this definition, thus allowing their application on the grounds of these schools:

1. EPA-registered microbial or biochemical pesticides;
2. horticultural soaps or oils registered with EPA and without any synthetic pesticide or synergist (enhancer of pesticide properties); and
3. certain pesticides classified by EPA as exempt materials (see BACKGROUND).

Under the bill, a “microbial pesticide” is a pesticide that has a microorganism as the active ingredient, and a “biochemical pesticide” is a naturally occurring substance that controls pests by nontoxic means.

BACKGROUND

IPM

By law, IPM is the use of all available pest control techniques, including judicious pesticide use, when needed, to maintain a pest population at or below an acceptable level, while decreasing pesticide use (CGS § 10-231a).

Exempt Pesticides

Certain pesticides and pesticide classes are exempt from regulation under the federal Insecticide, Fungicide, and Rodenticide Act. They include:

1. pheromones and similar compounds used in pheromone traps,
2. preservatives for biological specimens (e.g., embalming fluids),
3. products consisting of food to attract pests,
4. natural cedar,
5. minimum-risk pesticides (i.e., those containing certain active ingredients), and
6. treated articles or substances (40 CFR 152.25).

Related Bills

sHB 6897, File 184, favorably reported by the Children's Committee, contains a similar provision exempting certain products from the definition of lawn care pesticide.

sSB 1063, favorably reported by the Environment Committee contains an identical provision exempting certain products from the definition of lawn care pesticide.

sHB 6035, favorably reported by the Environment Committee also contains an identical provision exempting certain products from the definition of lawn care pesticide.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/20/2015)